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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,798	08/05/2003	Erland Wittkotter	047347/265025	2717

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EXAMINER
PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/635,798	WITTKOTTER, ERLAND
	Examiner	**Art Unit**	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 February 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-62* is/are pending in the application.

    4a) Of the above claim(s) *1-14,29-32 and 36-62* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *15-28 and 33-35* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Claims 15 – 28 and 33 – 35, i.e.,

the Group II claims, in the reply filed on February 12, 2007 is acknowledged.

However, election of claims is not supported by any ground(s) that the traversal

is based.

Because applicant did not distinctly and specifically point out the

supposed errors in the restriction requirement and reason for electing Claims 15

– 28 and 33 – 35, the election has been treated as an election without traverse

(MPEP § 818.03(a)).

2.   Therefore, presently pending claims are 15 – 28 and 33 – 35.

Priority

3.   Applicant's claim for the benefit of a prior-filed application under 35

U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

4.   Claims 33 – 35 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. Claim(s) 31 – 33 are not

limited to tangible embodiments as they recite configured for "dividing",

"receiving", "storing" and "generating" functions, which do not define any

structural and functional interrelationships between the method, program or

instructions and other claimed aspects of the invention, which permits the

program's functionality to be realized.

The rejection of the base claim is necessarily incorporated into the

dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 15 – 28 and 33 – 35 are rejected under 35 U.S.C. 102(b) as being

anticipated by Levy et al. (U.S. Patent Number 6,212,633).

6.   As per Claim 15, Levy teaches "a first peer computer that is associated

with a first user (Summary and Column 6 lines 3 – 7); and

a network over which information may be transferred from said first peer

computer to a second peer computer that is associated with a second user,

wherein said first peer computer is configured for: dividing an electronic

document into a plurality of data segments (Column 6 lines 20 – 32);

producing an encrypted form of said electronic document that is encrypted

via an arrangement of said data segments, said arrangement being determined

by a set of operating sequence command data (Column 7 lines 39 – 54);

transmitting said plurality of data segments to said second peer computer;

and generating a set of data that is useable for generating said set of operating

sequence command data (Column 7 lines 39 – 54)".

7.   As per Claim 33, Levy teaches "a first peer computer associated with a

first user; a second peer computer associated with a second user (Summary and

Column 6 lines 3 – 7); and

a data server unit, wherein: said first peer computer is configured for

dividing an electronic document into two or more data segments, said two or

more data segments being associated with at least one correct playback

sequence (Column 6 lines 20 – 32);

said data server unit is configured for generating an encryption sequence

for said two or more data segments, said encryption sequence being different

than said correct playback sequence (Column 7 lines 39 – 54); and

said second peer computer is configured for: (a) receiving at least one of

said data segments from said first computer (Column 6 lines 3 – 32), and

(b) storing said at least one data segment in a file that corresponds to an encrypted form of said electronic document in which the data segments that comprise said electronic document are stored in said encryption sequence (Column 6 lines 3 – 32 and Column 7 lines 8 – 26)".

8.   As per Claim 16, Levy teaches "wherein said first peer computer is configured for transmitting said set of data to a third computer within said peer-to-peer system (Column 9 lines 38 – 59)".

9.   As per Claim 17, Levy teaches "said electronic document is a first electronic document; said plurality of data segments is a first plurality of data segments; said set of data is a first set of data; said set of operating sequence command data is a first set of operating sequence command data (Column 7 lines 39 – 54); and

said second peer computer is configured for: dividing a second electronic document into a second plurality of data segments (Column 6 lines 20 – 32);

producing an encrypted form of said second electronic document that is encrypted via an arrangement of said second plurality of data segments, said arrangement of said second plurality of data segments being determined by a second set of operating sequence command data (Column 6 lines 3 – 32);

transmitting said second plurality data segments to said first peer computer; and generating a second set of data that is useable for generating said

second set of operating sequence command data (Column 6 lines 3 – 32 and

Column 7 lines 8 – 26)".

10.   As per Claim 20, Levy teaches "wherein said first peer computer is

configured to determine whether distribution of said electronic document is

authorized and, in response to determining that distribution of said electronic

document is not authorized, preventing transmission of said plurality of data

segments to said second peer computer (Column 9 lines 38 – 59 and Column 10

lines 6 – 42)".

11.   As per Claim 21, Levy teaches "wherein said step of producing an

encrypted form of said electronic document comprises reordering two or more of

said plurality of data segments (Column 9 lines 38 – 59 and Column 10 lines 19 –

42)".

12.   As per Claim 22, Levy teaches "wherein said step of producing an

encrypted form of said electronic document comprises inserting one or more

extra data segments into said plurality of data segments (Column 9 lines 38 – 59

and Column 10 lines 19 – 42)".

13.   As per Claim 23, Levy teaches "wherein said step of producing an

encrypted form of said electronic document comprises removing at least one of

said plurality of data segments from said plurality of data segments (Column 9

lines 38 – 59 and Column 10 lines 19 – 42)".

14. As per Claim 24, Levy teaches "wherein said step of producing an

encrypted form of said electronic document comprises substituting at least one of

said plurality of data segments with another data segment (Column 9 lines 38 –

59 and Column 10 lines 19 – 42)".

15. As per Claim 25, Levy teaches "wherein said first peer computer is

configured to use information about exchanged, removed, added or substituted

data segments to generate reconstruction data (Column 15 line 65 – Column 16

line 35)".

16. As per Claim 26, Levy teaches "wherein said first peer computer is

configured to determine whether said electronic document has been encrypted

by virtue of one or more of said data segments being removed or replaced

(Column 15 line 65 – Column 16 line 35)".

17. As per Claim 27, Levy teaches "wherein said electronic document is an

audio, video, or animation file (Column 17 lines 32 – 56)".

18. As per Claim 28, Levy teaches "wherein said electronic document

comprises program data (Column 18 lines 9 – 14)".

19.   As per Claim 34, Levy teaches "wherein: said system comprises a third

computer; said third computer is configured for dividing said electronic document

into two or more data segments, said two or more data segments being

associated with said at least one correct playback sequence (Column 6 lines 20

– 32); and

said third computer is configured for: (a) receiving at least one of said data

segments from said second computer (Column 6 lines 3 – 32), and

(b) storing said at least one data segment in a file that corresponds to an

encrypted form of said electronic document in which the data segments that

comprise said electronic document are stored in said encryption sequence

(Column 6 lines 3 – 32 and Column 7 lines 8 – 26)".

20.   As per Claim 18, Levy teaches "wherein said second peer computer is

configured to transmit said second plurality of data segments to said first peer

computer while receiving said first plurality of data segments from said first peer

computer (Column 17 lines 4 – 10)".

21.   As per Claim 19, Levy teaches "wherein said second peer computer is

configured to transmit said second plurality data segments to said first peer

computer over a first bandwidth while receiving said first plurality of data

segments from said first peer computer over a second bandwidth (Column 9 lines

2 – 9 and Column 17 lines 4 – 10)".

22. As per Claim 35, Levy teaches "wherein: said system comprises a third computer; said third computer is configured for dividing said electronic document into two or more data segments, said two or more data segments being associated with said at least one correct playback sequence (Column 6 lines 3 – 32)". and

said third computer is configured for: (a) receiving at least one of said data segments from said second computer (Column 6 lines 3 – 32), and

(b) storing said at least one data segment in a file that corresponds to an encrypted form of said electronic document in which the data segments that comprise said electronic document are stored in said encryption sequence (Column 6 lines 3 – 32 and Column 7 lines 8 – 26)".

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.
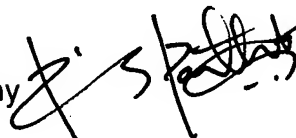
Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
April 26, 2007.